

20640050X5

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DAVID SOPRYCH, individually )  
and on behalf of a class, )

Plaintiff, )

v. )

BEVERAGE SOLUTIONS, INC., d/b/a )  
4seasonswine.com, a Delaware corporation, )  
and DOES 1-10, )

Defendants. )

No. 08CV2113  
JUDGE GUZMAN  
MAGISTRATE JUDGE KEYS

**PLAINTIFF'S NOTICE OF STIPULATION  
TO DISMISS ACTION PURSUANT TO RULE 41**

Plaintiff David Soprych, by and through his attorneys, moves this Honorable Court pursuant to Federal Rule of Civil Procedure 41(a)1(i) for an order dismissing this matter without prejudice. In support, defendant states:

1. Plaintiff David Soprych filed this action to secure redress for a willful violation by Beverage Solutions, Inc., d/b/a 4seasonswine.com ("Beverage Solutions") of the Fair and Accurate Credit Transactions Act amendment to the Fair Credit Reporting Act, 15 U.S.C. §§1681 *et seq.*

2. Since that time, there has been a modification of the law that significantly alters plaintiff's ability to pursue a claim for a willful violation against defendant under 15 U.S.C. §§1681 *et seq.*

3. Defendant has filed neither an answer to the complaint nor a motion for summary judgment.

WHEREFORE, plaintiff requests that the Court enter an order dismissing this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)1(i).

CRAY HUBER HORSTMAN HEIL  
& VanAUSDAL LLC

s/John P. Palumbo  
John P. Palumbo

John P. Palumbo (ARDC# 6231190)  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on **June 3, 2008**, I electronically filed the attached **Plaintiff's Notice of Stipulation To Dismiss Action Pursuant to Rule 41** using the CM/ECF system which will send notification of such filing(s) to the following:

#### ***Mailing Information for a Case 1:08-cv-02113***

#### **Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

- **Stephen W. Heil**  
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#### **Manual Notice List**

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- Latham & Watkins LLP  
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Respectfully submitted,

s/John P. Palumbo

John P. Palumbo

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